

## **REMARKS/ARGUMENTS**

### **Summary of the Official Office Action**

#### **Claim Rejections**

Claims 1-6 and 10-15 were rejected under 35 U.S.C. 102(b) as being anticipated by Verster (US PAT 5,214,410).

Claims 7-9 and 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Verster in view of Pirovano et al. (US PAT 6,167,045).

#### **Traversal of Rejection under 35 U.S.C. 102(b)**

Applicant respectfully traverses the rejection of Claims 1-6 and 10-15 as being anticipated by Verster et al. (US PAT 5,214,410) [hereinafter “Verster”].

Turning to the specific claim language, independent claim 1 is directed to a communication apparatus comprising a selecting means for selecting M different numbers, receiving means for receiving a signal, clock generating means for generating a clock from the signal received by said receiving means, counting means for counting the generated clock, transmitting means for transmitting identification information according to the clock count obtained by said counting means and the selected numbers by the said selecting means.

The present invention of claim 1 describes an apparatus for preventing interference with information transmitted to the apparatus from another apparatus.

According to the Office Action., Verster discloses all of the above described features of the present invention. Applicant respectfully disagrees that Verster describes all of the foregoing features of the present invention.

Verster is seen to describe a system and method for locating objects. More specifically, Verster is directed towards a system for locating predetermined labeled objects, where the system includes a transceiver unit that transmits an energizing signal at a first predetermined frequency and receives a return signal at a second predetermined frequency from an object to be located and a plurality of label-like transponders affixed to objects to be located.

According to the Office Action, column 6 lines 21-31 of Verster teach the present claim's feature of selecting M different numbers. Column 6 lines 21-31 are seen to describe that a data storage space of the microcomputer of the transceiver unit stores identification and other information of all the transceivers of the system, and a search operation for a specific transponder can be conducted by selecting the a transponder via a keyboard connected to the transceiver unit. It appears that the Office Action is equating the selection of the transponder with the present invention's feature of selecting M numbers. Selection of a transponder via a keyboard in order to initiate a search operation for the selected transponder is not even remotely seen to be equivalent of selecting M numbers. Nothing else in the passage referenced by the Office Action, or in any other part of Verster, is seen to discuss or describe the selection of M different numbers.

According to the Office Action, column 4 lines 44-58 of Verster teach the present invention's feature of generating a clock from a received signal. Column 4 lines 44-58 describe a logic module of Verster. More specifically, it describes ANDing an output

from a digital comparator with a signal from a clock generator. The resulting output is input to a counter and the output from the counter is compared with a time delay code via another comparator. The output of the other comparator is ANDed with a signal from the clock generator to latch a shift register. The latch converts individual code stored in a ROM from a parallel mode to a serial mode, which is then fed to a control terminal of an RF switch. The above described process causes the individual code to be modulated on the return signal transmitted by the transponder. Nothing in this passage is seen to even remotely disclose or describe the present invention's feature of generating a clock from the received signal.

According to the Office Action, column 4, lines 46-50 of Verster teach the present claim's step of counting the generated clock. Column 4 lines 46-50 is the portion of column 4 lines 44-58 described above regarding the resulting output being input to a counter and the output from the counter being compared with a time delay code via another comparator. Nothing in this passage is seen to even remotely discuss or describe counting the generated clock.

According to the Office Action, column 4 lines 40-58 of Verster teach the present invention's feature of transmitting information according to the clock count and the selected numbers. Column 4 lines 40-58 are described above except for lines 40-44. Lines 40-44 describe an input signal carrying a category code being fed serially into a shift register and the parallel output of the shift register being compared with a stored category code via a digital comparator. Nothing in column 4 lines 40-58 is seen to even remotely discuss or describe transmitting information according to the clock count and the selected numbers.

Assuming arguendo that column 6 lines 21-31 could be seen to describe selecting M numbers as the Office Action asserts it does, which the Applicant does not concede and as previously discussed disagrees with, there is nothing in any of the sections of Verster referenced by the Office Action or in any other section for that matter that is even remotely seen to describe that the search operation for any specific transponder is in any way associated with the functionality described in column 4 lines 40-58. In other words while in the present invention the selection of M numbers is related to the function of transmitting information, in Verster the selection of a transponder is in no way related to the functionality described in column 4 lines 40-58. As such, Verster can not be seen to describe transmitting information according to the selected numbers.

Because Verster lacks at least the above-noted features of the present invention, Applicant submits that Verster fails to disclose each and every feature recited in independent claim 1. Therefore, Applicant submits that the rejection of at least claim 1 is improper and respectfully requests that the rejection be withdrawn.

Independent claim 10 is the method equivalent of claim 1 and was rejected for essentially the same reasons as claim 1. As such, Applicant submits that Verster fails to disclose each and every feature recited in claim 10. Therefore, Applicant submits that the rejection of claim 10 is improper and respectfully requests the rejection to be withdrawn

Furthermore, Applicant submits that Claims 2-6 and 11-15 are allowable at least for the reason that these claims depend from either allowable base claim 1 or allowable base claim 10 and recite additional features that further define the present invention.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejections of dependent claims 2-6 and 11-15 under 35 U.S.C. 102(b) and indicate that these claims are allowable.

**Traversal of Rejection under 35 U.S.C. 103(a)**

**Rejection of Claims 7-9 and 16-18**

Applicant respectfully traverses the rejection of Claims 7-9 and 16-18 under 35 U.S.C. 103(a) as being unpatentable over Verster in view of Pirovano et al. (US PAT 6,167,045) [hereinafter “Pirovano”].

Independent Claim 7 is directed to a communication apparatus comprising transmitting means for transmitting a signal to supply a clock and power to at least one other different communication apparatus, receiving means for receiving information from the at least one other different communication apparatus, determining means for determining whether or not said receiving means has received the same information a plurality of times, and outputting means for outputting the information received a plurality of times according to a determination result of said determining means.

Applicant submits that the combined teachings of Verster and Pirovano clearly do not teach or suggest any embodiment of a communication apparatus having the aforementioned features recited in claim 7.

According to the Office Action, column 4 lines 40-58 of Verster describe the present invention’s feature of transmitting a signal to supply a clock and power to at least one other different communication apparatus. Nothing in this section of Verster, or any other section of Verster, is seen to even remotely describe transmitting a signal to supply

a clock and power. In fact, the only reference to a clock signal in the referenced passage is to a clock signal generated by a clock generator, but this signal is generated internally to the referenced logic module and is not received from another device. With respect to the clock signal being generated internally to the logic module, there is nothing in this passage that indicates the signal is transmitted to another device. The only reference to something being transmitted is a return signal, but there is no description that the return signal contains a clock signal. In addition, there is no mention of the logic module either receiving power via a signal or transmitting a signal that supplies power, let alone a signal that supplies both a clock and power.

The Office Action concedes that Verster lacks showing that determining whether or not the receiving means has received the same information a plurality of times and outputting the information received a plurality of times according to a determination result. To make up for this deficiency, the Office Action references Pirovano as teaching determining whether or not the receiving means has received the same information a plurality of times (column 2 lines 53-65) and outputting information received a plurality of times according to a determination result (column 4 lines 56-67). According to the Office Action, it would have been obvious to combine the teachings of Verster and Pirovano to obtain the invention of the claims of the present invention.

Column 2 lines 53-65 of Pirovano describe a receive terminal receiving data packets pertaining to a specific virtual broadcasting channel that is not actually enabled because of a loss of a communication packet. Even though it cannot be established whether these data packets were directed to a specific called terminal, data is still received by any receiving terminal, thus having a possibility of access to the specific

virtual broadcasting channel. As such, during subsequent transmissions of the same information message, a receiving terminal can determine whether these “orphan” data packets were directed to it and consider them properly received. Nothing in this passage is seen to even remotely describe the present invention’s feature of determining whether the receiving means has received the same information a plurality of times. The passage merely describes that a receiving terminal can receive multiple transmissions of the same information message. There is nothing to indicate that the receiving terminal makes any determination that it has received the same information a plurality of times.

Column 4 lines 56-67 of Pirovano describe that the method described in Pirovano uses a “packet oriented” transmission protocol. In such a protocol, data files are divided into a sequence of blocks and each block is divided into packet units of data to be sent to the data receiver. Upon receipt of the packet units of data, the data receiver rebuilds the complete data file by re-assembling the packet units of data into blocks and the blocks into the original file. This passage merely describes how a “packet oriented” transmission protocol works. Nothing is seen to even remotely discuss or describe outputting information received a plurality of times according to a determination result of a determination means.

As the above described features of the present invention indicate, the information received a plurality of times is output based on the results of determining whether the same information has been received a plurality of times. There is nothing in Pirovano to suggest that what is described in column 4 lines 56-67 in any way is related to what is described in column 2 lines 53-65.

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See Litton Industrial Products v. Solid State Systems, Corp., 755 F. 2d 158, 164, 225 U.S.P.Q. 34, 38 (Fed. Cir. 1985) (“The references fail not only to expressly disclose the claimed invention as a whole, but also to suggest to one of ordinary skill in the art modifications needed to meet all the claim limitations.

Applicant respectfully submits that the combination of Verster and Pirovano does not teach or suggest at least the above described features of the present invention. Rather, the combination of Verster and Pirovano is seen to describe a system and method for locating objects wherein data transmitted to determine the objects’ location is done so over a unidirectional broadcasting system.

Accordingly, Applicant respectfully submits that since the combination of Tanaka and Emoto does not disclose or suggests at least the above-noted features of the present invention, the rejection of at least independent claim 7 under 35 U.S.C. 103(a) is improper and should be withdrawn for this reason.

Independent claim 16 is the method equivalent of claim 7 and was rejected for essentially the same reasons as claim 7. As such, Applicant submits that the combination of Verster and Pirovano fails to disclose each and every feature recited in independent claim 16. Therefore, Applicant submits that the rejection of claim 16 is improper and respectfully requests the rejection be withdrawn.

Furthermore, Applicant submits that claims 8-9 and 17-18 are allowable for the reason that these claims depend from either allowable base claim 7 or allowable base claim 16 and recite additional features that further define the present invention.



Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejections of dependent claims 8-9 and 17-18 under 35 U.S.C. 103(a) and indicate that these claims are allowable.

### **CONCLUSION**

In view of the foregoing, it is submitted that none of the references of record, when considered alone or in any proper combination thereof, anticipate or render obvious Applicant's invention as recited in Claims 1-18. The applied references of record have been discussed and distinguished, while significant claim features of the present invention have been pointed out.

Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. 102 and 35 U.S.C. 103. Accordingly, allowance of the present application and all the claims therein is respectfully requested and believed to be appropriate.

Applicant's undersigned attorney may be reached at our Irvine, California office at (949) 932-3329. All correspondences should continue to be directed to our below-listed address.

Respectfully submitted

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